

**Notice of Allowability**

Application No.

09/628,023

Examiner

Thierry L. Pham

Applicant(s)

YAMAGATA ET AL.

Art Unit

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/9/06.
2. ☒ The allowed claim(s) is/are 9-12, 14, 17; renumbered as 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

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### **DETAILED ACTION**

- This action is responsive to the following communication: an Amendment filed on 5/9/06.
- Claims 1-8, 13, 15-16, 21-23, 28-30, 33-39, 43-45, 47-63 have been canceled.
- Claims 18-20, 24-27, 31-33, 40-42, and 46 are cancelled due to species non-elected without traverse; see notes below for more details.

### ***Response to Arguments***

Applicant's arguments, see pages 9-11, filed 5/9/06, with respect to claims 9 & 17 have been fully considered and are persuasive. The 35 U.S.C. 102(b) prior art rejection as being anticipated by U.S. Patent No. 5909602 of claims 9 & 17 has been withdrawn.

### ***Election/Restrictions***

This application is in condition for allowance except for the presence of claims 18-20, 24-27, 31-33, 40-42, and 46 directed to species non-elected without traverse. Accordingly, claims 18-20, 24-27, 31-33, 40-42, and 46 been cancelled.

### ***Allowable Subject Matter***

- Claims 9-12, 14, and 17 are allowable over prior art; renumbered as claims 1-6.
- The following is an examiner's statement of reasons for allowance: The cited prior art (US 5909602 to Nakai et al) of record teaches an apparatus for preventing duplication of confidential documents, but the prior art of record fails to teach and/or suggest the features of first receiving means for receiving, from an image generating apparatus having a forgery judging function, a result of judgment by the image generating apparatus having the forgery judging function, and second receiving means for receiving color image data from any of the image generating apparatus having the forgery judging function, wherein if the color image data is received from the image generating apparatus having the forgery judging function, the color image data is received after recdeicing the

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result of judgment by the first receiving means *and in combinations of other features*" as cited in independent claims 9 & 17 (renumbered as 1 & 6 respectively). The examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of prior arts that teaches the above limitations and in combinations of other features cited in claims 9 & 17 (renumbered as 1 & 6 respectively).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



**KING Y. POON  
PRIMARY EXAMINER**